

FINAL BILL REPORT

SSB 6184

C 7 L 08

Synopsis as Enacted

Brief Description: Addressing most serious offenses.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Benton, Eide, Weinstein, McCaslin, Hargrove, Regala, Hatfield, Carrell, Tom, Franklin, Zarelli, Kline, Haugen, Keiser, Fairley, Hobbs, Marr, Kastama, Berkey, Delvin, Brandland, Spanel, Murray, Prentice, Holmquist, Hewitt, Rasmussen, Jacobsen, Sheldon, Oemig, Morton, Pflug, Roach, Pridemore, McAuliffe, Rockefeller, Parlette, Kauffman, Shin, Kohl-Welles, Stevens, Kilmer, Swecker, Honeyford, Schoesler, King and McDermott).

Senate Committee on Judiciary

House Committee on Public Safety & Emergency Preparedness

Background: An offender is considered a "persistent offender" when the offender is convicted of any felony that is considered a most serious offense, and that person has previously been convicted, on at least two separate occasions, of felonies that would be considered most serious offenses. This law is referred to as the three-strikes law. A persistent offender must be sentenced to a term of total confinement for life without the possibility of release.

Roy Wayne Russell was sentenced to life without the possibility of parole as a persistent offender by a Clark County Superior Court in 1998. He successfully challenged his sentence because the trial court erred in counting a prior out-of-state conviction for kidnapping as one of the "strikes." Mr. Russell's out-of-state conviction for kidnapping is comparable to unlawful imprisonment under Washington law. Unlawful imprisonment is not considered a most serious offense. Therefore, his criminal history did not contain three strikes.

Summary: The definition of "most serious offense" is amended to include any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more. The defendant's out-of-state conviction must meet the required elements of a felony under Washington law, and the conduct must meet the statutory test in Washington for sexual motivation.

Votes on Final Passage:

Senate 48 0

House 92 2

Effective: June 12, 2008